

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
Criminal No. 20-cr-150 NEB/BRT

UNITED STATES OF AMERICA,

Plaintiff,

v.

GREGORY LYNN MCCOY,

Defendant.

**GOVERNMENT'S RESPONSE TO
COURT'S ORDER OF SEPTEMBER 17,
2020 (ECF NO. 33)**

Comes now the United States of America, respectfully filing its Response to the Court's Order of September 17, 2020 (ECF No. 33).

1. Counsel have met and conferred regarding the defendant's motion for a *Franks* hearing. The government understands that the defendant maintains this motion and seeks to litigate it before the Court. The government opposes the motion, as outlined in its response to McCoy's motions. See ECF No. 29.
2. The government did not file a notice of intent to call witnesses, and does not intend to call witnesses, in response to any of the defendant's motions. The defendant maintains, however, that the government should be required to call a witness in relation to his Motion for a *Franks* Hearing. Thus, the government will have the search-warrant affiant in the St. Paul Courthouse tomorrow in case the Court requires testimony. Again, though, the government does not believe that testimony is necessary or required by law. For that reason, the government

has not filed a notice of intent to call witnesses and will call a witness only if ordered to do so by the Court.

3. AUSA Joseph Teirab will represent the United States at the motions hearing scheduled for September 24, 2020 at 10:00 pm. AUSA David J. MacLaughlin will also be present for the government at the hearing. The government's case agent will not be present.
4. The government does not anticipate observers at the hearing.
5. The government does not intend to call witnesses at the hearing. However, if the Court orders the government to provide testimony, then the government may offer the search warrant applications, affidavits in support thereof, and the warrants for the Sheridan House and the defendant's red Durango. Both documents will be emailed to the Court and to opposing counsel.
6. In the event the Court *requires* testimony, the government estimates that the affiant's testimony on direct and cross examination will take approximately one hour.

Dated: September 23, 2020

Respectfully Submitted,

ERICA H. MacDONALD
United States Attorney

s/ Joseph S. Teirab

FOR: DAVID J. MACLAUGHLIN
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